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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CORY A. HORTON, SR.,

Plaintiff,

vs.

BRIAN CAULEY, DAVID CHIU, DENA  
NARBAITZ, MARIA, MABUTAS, HALIE  
ALBERT, RACHEL GARDUNIO,  
MICHAEL CARLIN, RICK NELSON,  
RONALD FLYNN, GREG NORBY,  
CAMERON PEARSON, CAROL ISEN,  
DENNIS HERRERA, BARBARA HALE,  
STEVE RITCHIE, ALAN JOHANSON,  
STEVEN TANG, JENNEFER BURKE,

Defendant.

Case No. 3:22-cv-03174-WHO

**STIPULATION AND ORDER TO CONTINUE  
OCTOBER 12, 2022 HEARING ON  
DEFENDANTS' MOTIONS TO DISMISS,  
MOTION TO STRIKE, AND MOTION FOR A  
MORE DEFINITE STATEMENT**

Date Action Filed: May 31, 2022  
Trial Date: Not Set

1 PLAINTIFF CORY A. HORTON, SR. ("PLAINTIFF") AND DEFENDANTS HEREBY  
 2 AGREE AND STIPULATE AS FOLLOWS:

3 RECITALS

4 1. WHEREAS, on September 1, 2020, Defendants filed a motion (1) to dismiss for  
 5 insufficient service of process pursuant to Rule 12(b)(5), (2) to strike Plaintiff's First Amended  
 6 Complaint pursuant to Rule 12(f), (3) to dismiss Plaintiff's Complaint for failure to state a claim  
 7 pursuant to Rule 12(b)(6), and (4) for a more definite statement pursuant to Rule 12(e) (the "Motion"),  
 8 ECF No. 20;

9 2. WHEREAS, the hearing on the Motion is set for October 12, 2022 at 2:00 p.m., *id.*;

10 3. WHEREAS, counsel for Defendants is also trial counsel for the City and County of San  
 11 Francisco in an unrelated matter pending in San Francisco Superior Court (the "State Court Case"),  
 12 Shapiro Decl. ¶ 2;

13 4. WHEREAS, after the Motion was filed, a pre-trial conference in the State Court Case  
 14 was set for October 12, 2022 at 2:00 pm, the same date and time as the hearing on the Motion, Shapiro  
 15 Decl. ¶ 3;

16 5. WHEREAS, on September 13, 2022, the Court granted Defendants' August 26, 2022  
 17 administrative motion to continue the deadline for a responsive pleading from September 1 to  
 18 September 14, ECF Nos. 17, 22, but Defendants did not take advantage of this extension as they had  
 19 already filed their responsive pleading on September 1, 2022, ECF No. 20;

20 6. WHEREAS, no trial date or pre-trial deadlines have yet been set in this matter, Shapiro  
 21 Decl. ¶ 4;

22 7. WHEREAS, a case management conference in this matter is currently set for  
 23 September 27, 2022, ECF NO. 15,

24 STIPULATION

25 1. Therefore, the Parties agree there is good cause to continue the hearing on the Motion  
 26 to October 19, 2022 at 2:00 pm, and respectfully request the Court continue said hearing to October  
 27 19, 2022 at 2:00 pm.

**IT IS SO STIPULATED.**

Dated: September 19, 2022

CORY A. HORTON, SR.

/s/ *Cory A. Horton, Sr.*

CORY A. HORTON, SR  
Plaintiff *In Pro Per*

Dated: September 19, 2022

DAVID CHIU  
City Attorney  
JONATHAN C. ROLNICK  
Chief Labor Attorney  
ADAM SHAPIRO  
Deputy City Attorney

By: /s/ Adam Shapiro  
ADAM SHAPIRO

Attorneys for the City and County of San Francisco

**ATTESTATION OF E-FILED SIGNATURE**

I, Adam Shapiro, am the ECF User whose ID and password are being used to file this Stipulation And [Proposed] Order to Continue the October 12, 2022 Hearing . In compliance with Local Rule 5-1(i)(3), I attest that Cory A. Horton, Sr. has read and approved this pleading and consented to its filing in this action.

Dated: September 19, 2022

DAVID CHIU  
City Attorney  
JONATHAN C. ROLNICK  
Chief Labor Attorney  
ADAM SHAPIRO  
Deputy City Attorney

By: /s/ Adam Shapiro  
ADAM SHAPIRO


Attorneys for Defendants

**ORDER**

IT IS HEREBY ORDERED that, pursuant to the parties' stipulation, the October 12, 2022 hearing on Defendants' Motion to Dismiss, Motion to Strike, and Motion for a More Definite Statement is continued to ~~October 19, 2022~~ <sup>October 26, 2022</sup> at 2:00 pm.

**IT IS SO ORDERED.**

Dated: September 23, 2022

  
\_\_\_\_\_  
HONORABLE WILLIAM H. ORRICK  
United States District Judge